

DIAA Board of Directors' Meeting Minutes  
Thursday, October 9, 2014 – 9:00 a.m.  
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:00 a.m. by Chairperson Terre Taylor.

B. Roll Call

The following DIAA Board members were present: Terre Taylor, Curtis Bedford, Susanne Williams, Evelyn Edney, Craig Eliassen, Laura Leone, Gary Cimaglia, Bradley Layfield, Robert Cilento, Mike Hart, Ron Eby, Dr. Kevin Fitzgerald, Dr. Mark Holodick, Dr. Robert Walter, and Leroy Mann. Kevin Charles, Executive Director, Paula Fontello, Deputy Attorney General, and DIAA staff Thomas Neubauer and Tina Hurley was also in attendance. Susan Coffing, Edna Cale, and Dr. Susan Haberstroh were unable to attend.

C. Approval of Agenda

Dr. Bradley Layfield made a motion to approve the agenda. The motion was seconded by Mr. Eby and carried unanimously.

D. Approval of Minutes of DIAA September 11, 2014 Board Meeting

Mr. Cimaglia made a motion to approve the minutes of the September 11, 2014 Board meeting. The motion was seconded by Mr. Hart and carried unanimously.

E. DIAA Financial Report

Mr. Charles provided the first financial report from the new financial system. Mr. Charles reported that the revenue received so far for this year was \$119,940 which was from corporate contracts, member dues and entry fees. Mr. Charles reported that the expenses to date were \$158,000 which was mostly from the catastrophic liability policy, salary and OEC's, publications, NFHS dues, and scholarship awards. Mr. Charles reported that the deficit at this time is \$37,800 which is normal for this time of year. Dr. Layfield made a motion to approve the financial report. The motion was seconded by Dr. Fitzgerald and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that there are 26 events to be sanctioned including 4 cross country, 6 boys basketball, 2 girls basketball, 10 wrestling, 1 indoor track and field, 2 outdoor track and field, and 1 baseball. Based on the information provided, all appear to be in compliance with DIAA and NFHS regulations. Mr. Eliassen made a motion to approve the sanction events. The motion was seconded by Mr. Eby and carried unanimously.

H. Request to Waive 1009 & 1008 4.0 by DIAA Member Schools

Mr. Charles explained that he received a waiver request from the Blue Hen Conference and the Henlopen Conference to move the start of the spring calendar by one day. The parties did not request a personal appearance and as permitted by the regulations, the Board considered the matter based on the written request and Mr. Charles testimony. He explained that the first spring practice date falls on a Sunday, March 1, 2015 which would make the first spring competition date fall on Sunday, March 22, 2014. The request is proposing the practice season begin on Saturday, February 28, 2015 which would allow teams to begin playing contests on Saturday, March 21, 2015. Mr. Charles stated that the conferences were in favor of the proposal. Dr. Layfield made a motion to approve the request and make the spring practice start date February 28, 2015 and the first allowable spring competition date March 21, 2015. The motion was seconded by Dr. Holodick and carried by a vote of 15 – yes and 0 – no.

B. Request by Salesianum for Waiver of 1009.2.4 for DIAA 2014-10-1

Student, and Student's mother and father were in attendance to present this request. Student's parents requested a closed hearing. Mr. Hart recused himself from this hearing. Mr. Eby made a motion to go into executive session at the parent's request for the purposes of protecting the privacy of the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Eliassen and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there was less than a full Board present and there were only 14 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

While in executive session, the hearing proceeded and evidence was taken and deliberations were held. Mr. Cilento made a motion to go into deliberation. The motion was seconded by Dr. Walter and carried unanimously. Dr. Layfield made a motion to come out of deliberation. The motion was seconded by Mr. Eby and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Mr. Cimaglia made a motion to grant Student's request based on the evidence presented Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Eby and carried by a vote of 14 – yes (Taylor, Bedford, Williams, Edney, Eliassen, Leone, Cimaglia, Layfield, Cilento, Fitzgerald, Holodick, Eby, Walter, Mann) and 0 – no.

D. Request by Wilmington Christian to Waive 1009.4.3

Mr. Charles explained that he received a request to waive the maximum game competition rule for students in a day. The requestor did not request a personal appearance and as permitted by the regulations, the Board considered the matter based on the written request and Mr. Charles testimony. Mr. Charles further explained that Wilmington Christian was invited to attend a tournament which may require the basketball team to play in two games on a Saturday. Mr. Charles stated that the regulations permits students to play in four quarters a day and participating in the tournament would put them over that. Mr. Charles commented that the request would also include being able to participate in a fourth game in a week. It was clarified that similar requests have been considered in the past and the Board has approved with the conditions recommended by the DIAA Sports Medicine Advisory Committee. Mr. Charles also responded to Board member questions. Mr. Eby made a motion to approve the waiver request with the SMAC conditions: adequate rest between games; access to nourishment and water for rehydration; and that an ATC be present. The motion was seconded by Mr. Hart and carried by a vote of 15 – yes and 0 - no.

III. C. Interim Waiver by Executive Director

1. 1009.2.4 by DAPSS for DIAA – 2014-10-2

Ms. Fontello clarified for the record that this matter is being considered under modified procedures with the consent of the parent. Ms. Fontello explained that this request is being conducted under a modified hearing process and that student's parents sent in a signed consent in order to proceed under these

modified procedures and also requested a closed proceeding. Ms. Fontello advised that a full hearing is scheduled for the November 13, 2014 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Fontello further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. It was clarified that the parent requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Eby made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Mann and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. It was confirmed for the record that Mr. Charles remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Ms. Williams made a motion to come out of executive session. The motion was seconded by Mr. Eby and carried unanimously.

Mr. Fitzgerald made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Eby and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for November 13, 2014 is no longer necessary and is cancelled.

## 2. 1009.2.4 by Appoquinimink High School for DIAA – 2014-10-3

Ms. Fontello advised that this matter is being considered under modified procedures with the consent of the parent. Ms. Fontello explained that this request is being conducted under a modified hearing process and that student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Fontello advised that a full hearing is scheduled for the November 13, 2014 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear

today. Ms. Fontello further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. Mr. Hart made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Ms. Williams and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. It was confirmed for the record that Mr. Charles remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Dr. Walter made a motion to come out of executive session. The motion was seconded by Ms. Williams and carried unanimously.

Dr. Walter made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Hart and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for November 13, 2014 is no longer necessary and is cancelled.

### 3. 1009.2.4 by Padua Academy for DIAA – 2014-10-4

Ms. Fontello advised that this matter is being considered under modified procedures with the consent of the parent. Ms. Fontello explained that this request is being conducted under a modified hearing process and that student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Fontello advised that a full hearing is scheduled for the November 13, 2014 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Fontello further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. Dr. Layfield made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Hart and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. It was confirmed for the record that Mr. Charles remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Ms. Williams made a motion to come out of executive session. The motion was seconded by Mr. Mann and carried unanimously.

Mr. Hart made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Cilento and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for November 13, 2014 is no longer necessary and is cancelled.

E. Proposal by DAAD for Athletic Director Training

Mr. Joe Thomson, State LTI Coordinator/Certification Director for DAAD, was in attendance to present this request. Mr. Thomson was asking DIAA to extend a grant received from \$10,000.00 to \$16,400.00. Mr. Thomson explained that the purpose of this is to provide services, workshops, and materials for all state athletic directors. Mr. Thomson further explained that these services would ensure that the State's athletic directors would enhance their knowledge and be able to enforce DIAA Rules and Regulations as well as receive the necessary instruction to attain the higher levels of certifications offered by the NIAAA. Mr. Thomson reported that the ultimate end result for DAAD is to be able to self-fund this endeavor within the next five years. After some discussion Dr. Fitzgerald made a motion to approve the proposal to extend another year in the amount of \$16,400.00 with the agreement that DIAA will receive a financial report at the end of the year. The motion was seconded by Mr. Bedford and carried unanimously.

F. Self-Report by Sussex Technical High School

Mr. Charles explained that he received a self-report from Sussex Tech involving a student that practiced while not legally enrolled at the school. Mr. Charles explained to the Board the penalty assessed to the student. A Board member expressed concerns whether the penalty was inadequate. Additional discussion involved the fairness of the lottery process used by choice/vo-tech schools. Discussions included concerns with whether there was someone with

the Department of Education who has responsibility overseeing the fairness of the lottery process. Mr. Hart made a motion to approve the self-report. The motion was seconded by Dr. Walter and carried by a vote of 12 – yes (Taylor, Bedford, Williams, Edney, Eliassen, Leone, Cimaglia, Cilento, Hart, Fitzgerald, Holodick, Walter, and Mann) and 2 – no (Eby and Layfield).

G. Self-Report by Delaware Military Academy

This item was deferred until the November 13, 2014 Board meeting.

IV. Executive Director Report

A. Legal Report

There were no legal updates at this time.

B. 1. PIAA CIPPE Protocol

Dr. Walter presented the sports physical policy that PIAA currently uses and is proposing the same for Delaware. After some discussion the consensus of the Board was to present this to the DIAA Sports Medicine Committee for their review.

The Board recessed at 11:40 a.m. and reconvened at 11:50 a.m.

2. NFHS Board & Committee Nominations

Mr. Charles reported that Dr. Kevin Fitzgerald will be nominated to serve on the National Federation of State High School's Board of Directors as an at-large member representing Sections 2 and 6. The nomination will be considered at the June 2015 NFHS Summer Meeting.

Mr. Charles also reported that he has received nominations for Dickey Howell and Jenna Day to serve on the NFHS Wrestling Rules Committee.

Mr. Charles reported that he has received no response yet from the Governor's Office on Board appointments.

3. NFHS Section 2 & 3 Section Meetings

Mr. Charles reported on the recommendations coming out of an NFHS concussion summit in July 2014. The recommendations include limits on hitting during football practice; emergency action plans; and, the need for

coaches education on limited risks to student-athletes.

4. Baseball Pitching/Pitch Count

Mr. Charles reported to the Board that there has been considerable discussion at NFHS meetings regarding establishing pitch count limits for baseball. The DIAA SMAC has also discussed the issue. Mr. Charles stated he intends to continue to work with SMAC and take the issue to baseball coaches.

5. Discussion of Appeals of Ejection/Calls

Mr. Charles shared with the Board that the number of requests to review ejections has increased. This is likely due to the increased use of video at contests. The requests burden staff time and suggested it may be appropriate to adopt a policy that ejections would not be reviewed. The matter will be taken to the DIAA Sportsmanship Committee.

6. Future DIAA Golf Tournament Sites

Mr. Charles reported on the future sites of the DIAA Golf Tournament and stated that Wilmington Country Club volunteered to host the 2015 golf tournament and in 2016 the Rehoboth Beach Country Club will host pending approval by their Board of Directors.

V. Other

VI. Public Comment

None.

VII. Adjournment

Dr. Layfield made a motion to adjourn at 12:20 p.m. The motion was seconded by Ms. Williams and carried unanimously.

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Tina Hurley